



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2303955

**Applicant Name:** Brittani Ard for Swanson Properties

**Address of Proposal:** 12020 31<sup>st</sup> Avenue N.E.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to divide one parcel into six (6) lots (unit subdivision). Proposed lot sizes are: A) 1,172 square feet; B) 900.1 square feet; C) 1,203.1 square feet; D) 1,186.1 square feet; E) 886 square feet; and F) 1,151.6 square feet. Related project: Demolition of the existing single-family residence and construct two (2) three-unit townhouses with attached garages under MUP No. 2205571.

The following approval is required:

**Short Subdivision** - to subdivide one existing parcel into six lots as a unit subdivision.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site & Area Description**

The 6,600 square foot property is located on the east side of 31<sup>st</sup> Ave. NE, between NE 120<sup>th</sup> and NE 123rd Streets, in the Lake City neighborhoods. Access to the site is via 31<sup>st</sup> Ave. NE, which has limited amount of street improvements, and a paved alley parallel to 31<sup>st</sup> Ave NE. A single-family dwelling occupies the site. There are a variety of trees located around the perimeter of the parcel. The site is not located in any identified or designated environmentally critical area.

The subject property and adjacent properties to the north and south are zoned Multi-family Lowrise 3 Residential Commercial (L-3 RC). Properties to the west across 31<sup>st</sup> Ave. NE are zoned Neighborhood Commercial Three with a 65 foot height limit (NC3 65), a more intensive zone. On the other side of the alley, the zoning remains L-3 but lacks the Residential Commercial overlay. Thirty-first (31st) Ave. NE is not classified as an arterial street, pursuant to SMC Chapter 23.53.

### **Proposal Description**

The proposal is to subdivide one parcel into six unit subdivision lots with vehicle access provided from an alley. The existing single family dwelling will be removed. Vehicle access to the proposed lots and future dwelling units will be via an ingress, egress and utility easement along the southern edge of the site and through the center of the property with a central auto court. Proposed lot sizes are as indicated in the summary above. The lots either have direct pedestrian access to 31st Ave. NE or access via an easement, depending on their location.

Note that the demolition and construction are being reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (MUP No. 2205571). The subject of this analysis and decision is only the proposed division of land.

### **Public Comments**

The comment period for this proposal ended on July 16, 2003. During the public comment period, DCLU received no written comments.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. The subject property is zoned for multi-family residential use. The allowable density of the subject property is one unit per 800 sq. ft. of lot area. Given a lot area of approximately 6,600 square feet, eight (8) units are allowed and six are proposed. Maximum lot coverage is 50%. Front setbacks are an average of the neighboring adjacent lots, the maximum setback is fifteen (15) feet and the minimum is five (5) feet. The minimum side setback is five (5) feet; the actual required setback is based on the height of the structure adjacent to the side property line. Minimum rear setback is twenty-five (25) feet or twenty (20) percent of the lot depth, in no case less than fifteen (15) feet. The existing trees located on the site must either be preserved or new trees must be planted, consistent with the requirements of the City's landscape regulations (SMC 23.45.015). The proposed parcels provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.
2. The lots are provided vehicular access to an alley via a proposed ingress, egress and utility easement, consistent with the requirements of the Code. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light reviewed the proposal and does require an easement to provide for electrical facilities and service to the proposed lots in addition to the utility easement identified on the proposed short plat. This short plat provides for adequate access for vehicles, utilities, and fire protection.
3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a

Water Availability Certificate was issued June 26, 2003. Drainage review has been conducted and approved in conjunction with this project.

Connection to the public sanitary sewer will require a sidesewer permit to allow connect to an eight inch line located in 31<sup>st</sup> Ave. NE. There is not a publicly maintained drainage system in the near vicinity of the proposed short plat. The mapped soil type is recessional sand and gravel, which should allow for infiltration as an acceptable means of controlling stormwater runoff. Stormwater and plan review requirements were made at the time of building permit application(s). If the project yields more than 5,000 sq. ft. of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015D and 22.802.020, would be required.

4. The proposed short subdivision is consistent with minimum Land Use Code provisions. Address signage shall be posted such that addresses for all units are visible from 31<sup>st</sup> Ave. NE and an easement or a covenant shall be recorded with the final plat to ensure that the address signage is maintained. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.
5. This site is not an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site.
6. There are seven deciduous trees and one coniferous tree on the property. The majority of the trees are located such that they will need to be removed during the development of the proposed lots. A large coniferous tree is located in the alley. The alley's gravel paving currently allows vehicles to drive around the tree. Removal of the tree will need to be discussed and approved by Seattle Department of Transportation.
7. The applicant proposes the construction of two 3-unit townhouse structures (6 units total) on the subject site. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code provisions is being reviewed under Master Use Permit Number 2205571. These

provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with Section 23.24.045(C), additional development of the proposed lots may be limited. Subsequent platting actions, or additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot. Consistent with Section 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for shared walls on property lines, and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

### **SUMMARY - SHORT SUBDIVISION**

The lots to be created by this unit subdivision may not individually meet all of the zoning requirements of the Lowrise 3 Residential Commercial (L3 RC) zone including setbacks, density, and structure width and depth, consistent with the provisions of SMC 23.24.045. However, the development when considered as a whole will meet all standards of the set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.

- Signature: (signature on file) Date: July 24, 2003  
 Bruce P. Rips, AICP  
 Department of Design, Construction and Land Use,  
 Land Use Services